

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DONNA BREWER, :
: :
Plaintiff, : Civ. No. 06-6294 (DRD)
: :
v. :
: :
GEORGE HAYMAN, et al., : **O R D E R**
: :
Defendants. : :
: :

This matter having come before the Court on Defendants' motion to dismiss Count One and Count Three of Plaintiff's Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6); and the Plaintiff having clarified her Amended Complaint so that it no longer seeks damages against Defendants in their official capacities; and the Court having considered the submissions and oral arguments of the parties; and for the reasons set forth in the opinion of even date,

IT IS on this 11th day of September, 2007, hereby ORDERED that Defendants' motion to dismiss Count Three is denied.

| | | | |
/s/ Dickinson R. Debevoise
DICKINSON R. DEBEVOISE, U.S.S.D.J.